

EXHIBIT A

IN THE CHANCERY COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

**SHELBY COUNTY DEMOCRATIC PARTY,
MAREK FOR MEMPHIS,**

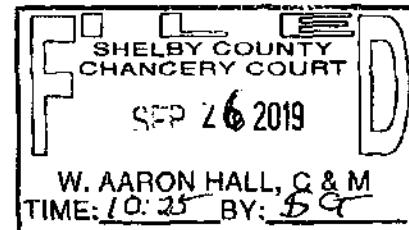
Petitioners,

v.

Case No. CH-19-1370-3
PART III

**GREG GRANT, INDIVIDUALLY & d/b/a
GREATER MEMPHIS DEMOCRATIC CLUB, INC.,
M. LATROY WILLIAMS, INDIVIDUALLY & d/b/a
SHELBY COUNTY DEMOCRATIC CLUB,**

Defendants.



**PETITION FOR TEMPORARY RESTRAINING ORDER, FOR
PERMANENT INJUNCTION, DECLARATORY RELIEF**

TO THE HONORABLE CHANCELLORS OF THE COURT OF SHELBY COUNTY, TENNESSEE:

The Petitioners, petitioning for emergency equitable relief as specified hereinbelow, respectfully state and allege the following as grounds:

PARTIES

1. Petitioner the Shelby County Democratic Party, chartered by the Tennessee Democratic Party, is the lawful representative body of the Tennessee Democratic Party in Shelby County.

2. Petitioner Marek for Memphis is the campaign committee for John Marek's City Council, District 5 bid (hereinafter petitioners). John Marek is running for office in the municipal general election on October 3, 2019.

3. Defendant Greater Memphis Democratic Club, Inc., is a for-profit corporation with its principal address at 3160 High Meadow Dr., Memphis, TN 38128-4209. (See attached Exhibit 1). It may be served with process through its registered agent, Greg Grant, at 3160 High Meadow Dr., Memphis, TN 38128-4209.

4. Defendant Shelby County Democratic Club, Inc. is a for-profit corporation with its address at 3250 Commercial Parkway, Memphis, TN 38116-3252. It may be served with process through its registered agent, M. Latroy Williams, at 3242 Commercial Parkway, Suite 3254, Memphis, TN 38116-3252.

5. Defendant Greg Grant is an individual, adult resident of Shelby County Tennessee. He may be served with process at 3160 High Meadow Dr., Memphis, TN 38128-4209.

6. Defendant M. Latroy Williams is an individual, adult resident of Shelby County, Tennessee. He may be served with process at 3242 Commercial Parkway, Suite 3254, Memphis, TN 38116-3252.

JURISDICTION AND VENUE

7. This Court has jurisdiction, pursuant to Tenn. Code Ann. § 16-11-103, to hear this Petition for equitable relief.

8. Venue for this action is properly laid in Shelby County, where all pertinent events transpired.

FACTUAL ALLEGATIONS

9. Defendant Grant, operating under the cloak of Greater Memphis Democratic Club, has published, disseminated, and caused to prominently appear multiple misrepresentative advertisements which purport to speak for, and represent the actual endorsement of, the Democratic Party. This mass advertising is deceptive, intended to misrepresent to the electorate and general public that certain candidates not endorsed by the Democratic Party—including Worth Morgan, Chase Carlisle, Ford Canale, and Cody Fletcher—are endorsed by Democratic Party.

10. In the aforementioned advertisements, Defendant Grant uses the trademark logo of the Democratic Party (the red white and blue donkey), and the words Democratic (with slight variations). (See attached Exhibits 4 and 5).

11. Furthermore, Defendant Greater Memphis Democratic Club uses the City of Memphis Seal five times on a widely distributed piece of “campaign” literature and eight times in the 2019 No. 190 version of Spirit Magazine.

12. Defendant Williams, operating under the cloak of the Shelby County Democratic Club, has published, disseminated, and caused to prominently appear multiple misrepresentative advertisements which purport to speak for, and represent the actual endorsement of, the Democratic Party. This mass advertising is deceptive, intended to misrepresent to the electorate that a certain candidate not endorsed by the Democratic Party, namely Worth Morgan, is endorsed by the Democratic Party. He also uses the trademark logo of the Democratic Party (the red, white, and blue donkey), and the words Democratic (with slight variations). (See attached Exhibits 4 and 5).

13. Defendant Williams was previously restrained by the Chancery Court of Shelby County in cause # CH-10-1354 from committing similar acts in the election of 2010.

14. Tennessee statutes seek to protect the public from entities masquerading as legitimate political parties. Tenn. Code Ann. § 2-1-104 (a) (14) requires political parties to seek recognition by filing with the State a qualifying petition. The purpose of such statutes is to protect the public from fly-by-night organizations that only seek to get money from public and to confuse the electorate. There is a compelling state interest in protecting the public from any misleading and fraudulent advertising.

15. The Democratic National Committee, the Tennessee Democratic Party, and the Shelby County Democratic Party have possessory and equitable interests in the name, trade dress, and brand of the Democratic Party, and equity demands they have some remedy to prevent their name, trade dress, and brand from misappropriation, dilution, and impressment into the service of for-profit entities.

16. Defendants' actions hereinbefore described tend to mislead the public as to which candidates in fact have the support and endorsement of the Democratic Party.

17. Section 1-8-2 of the Memphis Municipal Code provides, "The official seal provided by section 1-8-1 shall be impressed or imprinted on all official instruments of the city." Section 1-8-3 (E) places the city seal on the city flag. This language implies, under the well known principal of statutory construction, *inclusio unius ex exclusion alterius*, that neither the City Seal, flag, nor any likenesses thereof, may be privately appropriated by for-profit entities and affixed to campaign literature or advertisements.

18. Early voting for the October 3, 2019 elections began on September 13, 2019.

19. On or about October 3, 2019, the ballot attached as Exhibit 5 began to be distributed at the polls to voters by paid agents of Defendants.

BASIS FOR EMERGENCY INJUNCTIVE RELIEF

14. Defendants are in violation of Tennessee the following statutes:

Tenn. Code. Ann. § 2-19-116. Misrepresentations on campaign literature or sample ballots - Penalty.

(a) No person shall print or cause to be printed or assist in the distribution or transportation of any facsimile of an official ballot, any unofficial sample ballot, writing, pamphlet, paper, photograph or other printed material which contains the endorsement of a particular candidate, group of candidates or proposition by an organization, group, candidate or other individual, whether existent or not, with the intent that the person receiving such printed material mistakenly believe that the endorsement of such candidate, candidates or proposition was made by an organization, group, candidate or entity other than the one or ones appearing on the printed material.

(b) A violation of this section is a Class C misdemeanor.

Tenn. Code. Ann. § 2-19-142. Knowingly publishing false campaign literature.

It is a Class C misdemeanor for any person to publish or distribute or cause to be published or distributed any campaign literature in opposition to any candidate in any election if such person knows that any such statement, charge, allegation, or other matter contained therein with respect to such candidate is false.

20. Defendants are deceptively portraying certain candidates as nominees or endorsees of the Democratic Party, even though these candidates are not endorsed by the Democratic Party, and in several cases are in fact members of the Shelby County Republican Party, endorsed by that organization, or both.

21. Defendants Greg Grant and the Greater Memphis Democratic Club are improperly and deceptively placing the Seal of the City of Memphis on their "campaign" materials.

22. Petitioners aver that Defendants are acting in knowing violation of the law and acting deceptively and in bad faith.

23. Petitioners aver that immediate and irreparable harm will result to the Petitioners and the voting public, and will mar and offend the sanctity and security of the election process (for which adequate monetary cannot compensate) if Defendants and their agents are not immediately restrained and enjoined from further acts as hereinbefore described.

24. Petitioners seek an immediate Temporary Restraining Order with the provisions set forth in the prayer below, along with an expedited hearing and a permanent injunction and declaratory relief.

25. Defendants' actions hereinbefore described will cause Plaintiffs irreparable damage unless immediately enjoined by this Court.

26. Absent the immediate injunctive relief herein requested, the unlawful and irreparably damaging conduct of Defendants, hereinbefore described, will continue.

PRAYER

WHEREFORE, Petitioners respectfully pray for the following relief:

A. That the Court issue summons to be served on the Defendants and that they be required to Answer or otherwise respond in the time and manner prescribed by law;

B. That this Court immediately issue a Temporary Restraining Order restraining Defendants from:

a. Distributing literature, disseminating information or in any way communicating utilizing words, symbols, or graphical schemes reasonably implying endorsement of or affiliation with the Democratic National Committee, the Tennessee Democratic Party, or the Shelby County Democratic Party;

- b. Distributing literature, e-material, or displaying prominent advertisements bearing the Seal of the City of Memphis, the city flag, or any other official marks of the City of Memphis;
- b. Distributing literature, disseminating information or in any way representing or implying any misleading information regarding the political party affiliation of a candidate or group;
- c. Distributing literature, disseminating information or in any way representing or implying that individuals who are not duly elected nominees of a political party are such nominees;
- d. Distributing literature, disseminating information, or in any way representing or implying an endorsement of a candidate by a person or group when such endorsement has not occurred;
- f. Distributing, disseminating or transferring Exhibits 3-5, or any facsimile or partial copy of same;

C. That an expedited hearing be set to determine Petitioners' entitlement to a Preliminary Injunction grating the same relief;

D. That Defendants be compelled to take affirmative remedial action to remove from public dissemination, publication, or prominent view, all items identified to be restrained in this petition;

E. That upon a full hearing on this cause, this court enter a Decree declaring the use of the City of Memphis Seal and the likeness of the Democratic Party, and other conduct by Defendants as hereinbefore described, to be unlawful and deceptive; and

F. That this Court grant Petitioners such other and further relief as may be appropriate under the circumstances.

Respectfully Submitted,



Bruce S. Kramer (7472)
Jacob Webster Brown (36404)
6000 Poplar Avenue, Suite 150
Memphis, Tennessee 38119
bkramer@appersoncrump.com
jbrown@appersoncrump.com
Attorney for Petitioners

THIS IS THE FIRST REQUEST FOR EXTRAORDINARY RELIEF IN THIS CAUSE

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, the undersigned authority within and for the State and County aforesaid, John Marek, who makes oath and says that the facts and allegations stated in the foregoing are true and correct to the best of his knowledge, information and belief.

MAREK FOR MEMPHIS

By: John Marek

SWORN TO AND SUBSCRIBED this 26 day of September, 2019.

My Commission Expires:

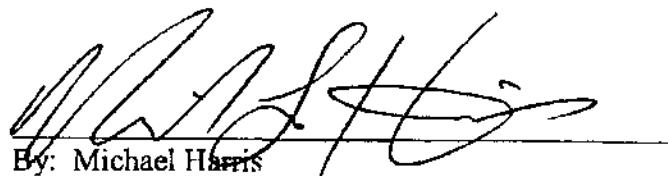
S. Gandy
NOTARY PUBLIC
Deputy Court Clerk



STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, the undersigned authority within and for the State and County aforesaid, Michael Harris, duly elected Chairman of the Shelby County Democratic Party, who makes oath and says that the facts and allegations stated in the foregoing are true and correct to the best of his knowledge, information and belief.

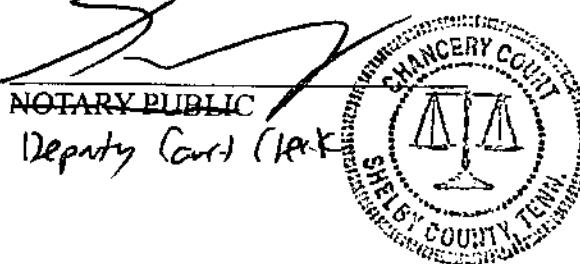
SHELBY COUNTY DEMOCRATIC PARTY



By: Michael Harris

SWORN TO AND SUBSCRIBED this 26 day of September, 2019.

My Commission Expires:



CERTIFICATE OF SERVICE

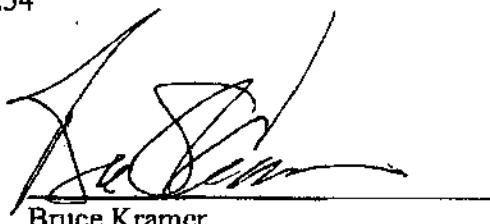
I certify that on September 25th, 2019, copies of the foregoing document were provided to a private process server to be served on the following:

Greg Grant
3160 High Meadow Dr.,
Memphis, TN 38128-4209

Greater Memphis Democratic Club, Inc.
3160 High Meadow Dr.,
Memphis, TN 38128-4209

M. Latroy Williams
1429 S. Parkway E.
Memphis, TN 38106

Shelby County Democratic Club, Inc.
3242 Commercial Parkway, Ste. 3254
Memphis, TN 38116



Bruce Kramer



RE-ELECT THE HONORABLE MAYOR • JIM STRICKLAND



RE-ELECT
MAYOR JIM STRICKLAND

RE-ELECT & VOTE FOR THOSE WHO HAVE BEEN IN THE STRUGGLE WITH YOU

Strickland

WE LIVE & WE LEARN

LEADERSHIP MATTERS



Play of Memphis

RE-ELECT

ENDORSED BY JUDGE JOE BROWN & MARK CLAYTON
PRESIDENT OBAMA RUNNING MATE
US SENATE DEMOCRAT NOMINEE

Early voting: Sept. 13-26/19 / General election: Oct. 9th, 2019

Shelby County Democratic Club

Charter #638459

UNITY BALLOT

10TH ANNIVERSARY
SHELBY COUNTY
PROUD TO BE A
DEMOCRAT CLUB

1. RANDY LEE



RANDY LEE
MAYOR
CITY COUNCIL 10



TERESA JONES
JUDGE DIVISION 3



MICHAEL BROWN
CITY COURT CLERK



LINDA WILLIAMS
CITY COUNCIL SUPER D 9-2



JAYNE CHANDLER
CITY COUNCIL 3



LINDA FOUNDS
CITY COUNCIL 6



DANIELLE JONES
CITY COUNCIL
SUPER D. 9-2



JIM THOMPSON
CITY COUNCIL 7



ROBBIE MORGAN
CITY COUNCIL 6



LINDA WILLIAMS
CITY COUNCIL 10



LINDA WILLIAMS
CITY COUNCIL SUPER D 9-2



JUDGE MARK SUGARMAN
CITY COURT 2



JAYNE CHANDLER
CITY COUNCIL
SUPER D. 8 POSITION 2



LINDA WILLIAMS
CITY COUNCIL 3

IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE FOR THE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

Shelby County Democratic Party
Marek Form Memphis

Plaintiff

vs.

Docket No. CH-19-1370-3

Greg Grant Indv, DBA
Defendant Greater Memphis Democratic
Club, Inc., et al

Part III

FIAT

TO THE CLERK OF THIS COURT:

Based upon the record in this matter, issue one or more of the following:

NOTICE OF HEARING

Issue Notice and set this matter for hearing on _____, the _____ day of
_____, at _____ o'clock __. m.

WRIT OF CERTIORARI

Issue a Writ of Certiorari as prayed for in this matter.

WRIT OF SCIRE FACIAS (CONTEMPT)

Issue a Writ of Scire Facias as prayed for in this matter and set this matter for hearing on
_____, the _____ day of _____, at
_____ o'clock __. m.

INJUNCTION

Issue the injunction as prayed for in this matter upon bond being given in the amount of
\$ _____

TEMPORARY RESTRAINING ORDER (TRO)

Issue the Temporary Restraining Order as prayed for in this matter upon bond being given
in the amount of \$ _____

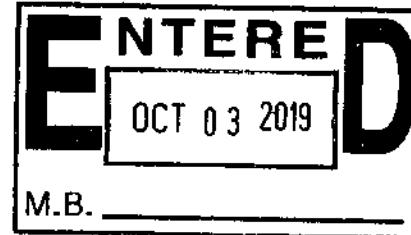
and issue Notice setting this matter for hearing on _____, the _____
day of _____, at _____ o'clock __. m. for Defendant to
show cause why Plaintiff is not entitled to have the relief prayed for in this matter.

Chancellor

Date

**IN THE CHANCERY COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

**SHELBY COUNTY DEMOCRATIC PARTY,
SHELBY COUNTY YOUNG DEMOCRATS,
and MAREK FOR MEMPHIS,**



Petitioners,

v.

Case No. CH-19-1370-3

Part III, Special Designation

**GREG GRANT, GREG GRANT,
GREATER MEMPHIS DEMOCRATIC
CLUB, M. LATROY WILLIAMS, and
SHELBY COUNTY DEMOCRATIC CLUB,**

Defendants.

TEMPORARY RESTRAINING ORDER

THIS CAUSE was heard upon the special setting of an emergency hearing on Petitioners' prayer for emergency injunctive relief on October 3, 2019, in the Supreme Court Room of the Shelby County Courthouse. Based on Petitioner's Petition for Temporary Restraining Order, for Permanent Injunction, Declaratory Relief, and Punitive Damages (Sep. 26, 2019); Petitioners' Verified Amended Petition for Temporary Restraining Order, Permanent Injunctive Relief, Declaratory Relief, Damages, and Restitution for Unjust Enrichment (Oct. 3, 2019); the arguments and testimony in open court, and the entire record in this cause, this Court rules as follows:

1. A contested hearing on the merits of the Verified Amended Petition is set for

Nov 13, October, 2019 at 11:00 A. / P. M. at 19

Conferees ca 11;

2. Pending said hearing, and **EFFECTIVE IMMEDIATELY**, Defendants Greg Grant, Greater Memphis Democratic Club, Inc., M. Latroy Williams, and the Shelby County Democratic Club **ARE HEREBY RESTRAINED AND ENJOINED** from:

a. Distributing literature, disseminating information or in any way communicating utilizing words, symbols, or graphical schemes reasonably implying endorsement of or affiliation with the Democratic National Committee, the Tennessee Democratic Party, or the Shelby County Democratic Party;

WNY
b. Distributing literature, e-material, or displaying prominent advertisements bearing the Seal of the City of Memphis, the city flag, or any other official marks of the City of Memphis;

WNY
c. Distributing literature, disseminating information or in any way representing or implying any misleading information regarding the political party affiliation of a candidate or group;

WNY
d. Distributing literature, disseminating information or in any way representing or implying that individuals who are not duly elected nominees of a political party are such nominees;

WNY
e. Distributing literature, disseminating information, or in any way representing or implying an endorsement of a candidate by a person or group when such endorsement has not occurred; and

WNY
f. Distributing, disseminating, publishing, or transferring any materials that are included in the Exhibits to the attached Petition or Verified Amended Petition, or any facsimile or partial copy of same; and

3. Defendants shall deposit with the Shelby County Chancery Court Clerk, no later

WNY
than _____, all monies received in connection with the aforementioned advertisements, publications, and all other election or campaign related products or services for the October 3, 2019 Memphis municipal general election, and shall produce a

verified accounting of the same no later than the next scheduled court appearance in this matter.

IT IS SO ORDERED AND DECREED.

William B. Acree

JUDGE WILLIAM B. ACREE

Oct 3, 2019

DATE

AT 11:44 O'CLOCK, A. M.

and 1500⁺

A TRUE COPY-ATTEST

W. Aaron Hall, Clerk & Master

By W. Aaron Hall

D.C. & M.